

## **EXHIBIT C**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 10-CIV-4622 (WHP)

4 -----x  
5 KAREN SCOTT,  
6 Plaintiff,  
7 vs.  
8 WPIX, INC.,  
9 Defendant.  
10 -----x

11  
12 March 2, 2011  
13 9:28 a.m.

14  
15 Videotaped Deposition of BETTY ELLEN  
16 BERLAMINO, held at the offices of Haynes and  
17 Boone, LLP, 30 Rockefeller Plaza, New York, New  
18 York, before Francine Sky, a Notary Public of the  
19 State of New York.  
20  
21  
22  
23  
24  
25

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1 Betty Ellen Berlamino

2 A. No.

3 Q. Are you currently employed?

4 A. No.

5 Q. What was your last form of  
6 employment?

7 A. My last form of employment? I don't  
8 understand the question.

9 Q. Where were you last employed?

10 A. WPIX.

11 Q. And what was the period of  
12 employment at WPIX?

13 A. At WPIX, it was October 1994 to  
14 June 7, 2010.

15 Q. As of the time you left WPIX in June  
16 of 2010, what was your position with the  
17 Company?

18 A. I was the President and General  
19 Manager.

20 Q. How long did you hold the position  
21 of President and General Manager?

22 A. Approximately 9-1/2 years, from  
23 December 2000 to June 7, 2010.

24 Q. Prior to December of 2000, what  
25 position did you hold at WPIX?

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2 A. Vice President and Station Manager.

3 Q. Could you just explain for me the  
4 difference between being a Station Manager and  
5 the General Manager?

6 A. Yes. The Station Manager reports to  
7 the General Manager, and the General Manager  
8 reports to a person in Corporate.

9 Q. In terms of duties and  
10 responsibilities, is there a difference between  
11 what the Station Manager does and the General  
12 Manager?

13 A. Yes. Ultimately, the General  
14 Manager of a television station would be  
15 responsible for the profit and loss statement  
16 of the Company, and any other aspects to do  
17 with day-to-day business of the Business Unit.

18 Q. And what about the Station Manager?

19 A. Station Manager, if the station has  
20 that position, it would be that -- the duties of  
21 the General Manager assigns to the Station  
22 Manager.

23 Q. So there's no defined role for the  
24 Station Manager, it's whatever the General  
25 Manager wants to hand off?

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2 A. I was responsible for the profit  
3 and loss statement of the television station,  
4 all the department heads, and the overall just  
5 day-to-day operations of the Business Unit.

6 Q. How many different department heads  
7 were there during the time that you were the  
8 General Manager?

9 I don't mean individuals, I mean  
10 different departments that you oversaw.

11 A. You're looking for a number?

12 Q. Well, the number and the name of the  
13 departments you oversaw as General Manager.

14 A. So that's two separate questions.  
15 You're looking for the departments and the  
16 department heads?

17 Q. Correct. Let's start with the  
18 departments. Which departments did you oversee  
19 as the General Manager?

20 A. Sales, Research, Traffic, Finance,  
21 News, Local Production and Community Affairs,  
22 HR, Creative Services.

23 Q. Did each of these departments have a  
24 department head?

25 A. Yes.

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Q. Did each department head report directly to you?

A. Yes.

Q. As the General Manager, did you have any involvement with programming for the Station?

MR. CERASIA: Objection to form.

You can answer.

A. Well, "involvement," could you define that?

Q. Sure. WPIX is a television station; correct?

A. A-ha.

Q. That television station provides programming that's broadcast to viewers in the metropolitan area; correct?

A. Correct.

Q. So I assume that television station has to decide what goes on the air 24 hours a day; correct?

A. That is not entirely correct. There are some shows that are dictated by the Network, where we just take those as fees.

There are other programs that are

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decided by a Corporate Program Director, and are dictated to the various Business Units.

And there are some individual shows that an individual station would purchase in consultation with the Corporate Program Director.

Q. Great. That's exactly what I'm getting at. What involvement did you have with the selection of programming for the Station? That's where we're headed toward, okay.

Do you understand that?

A. I do understand that.

Q. What involvement did you have in selecting programming for the Station?

A. I was asked an opinion about certain shows and, ultimately, the Group Program Head would make decisions on behalf of the Tribune Television Station Group.

Q. What was the relationship between Tribune and WPIX, if you know, between December 2000 and June 2010?

A. I don't understand the question.

Q. You've indicated that the Tribune, the Group Program Head of the Tribune made

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in?

A. That's often dictated by the Syndicator. The Syndicator will often dictate windows, and if you contract to go into partnership with that particular show, you are obligated to run a show within those windows.

Q. During the time you were General Manager, did you have discussions with the Group Program Head as to the decisions that were made by the Tribune where to slot certain shows?

A. Yes.

Q. Who was the Group Program Head between 2007 and 2009?

A. Sean Compton.

Q. Was there anybody at WPIX that was in charge of programming aside from yourself?

MR. CERASIA: Objection to form.

You can answer.

A. No.

Q. You indicated before that you were responsible for the P&L of the Station. I assume you mean profit and loss by P&L?

A. Correct.

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Q. Were you also responsible for setting an annual budget for the Station?

A. Yes. Was responsible for agreeing to an annual budget in consultation with Corporate, yes.

Q. Just for clarification, when you use the term "Corporate," are you referring to Tribune Company?

A. Yes.

Q. Was there any position higher than General Manager at WPIX between December 2000 and June 2010?

A. No.

Q. With regard to how WPIX was going to allocate its funds, who made that determination?

A. What funds? I don't understand the term "funds."

Q. I assume there was within the budget money that WPIX was going to spend during any annual period; correct?

A. You're talking about expenses?

Q. Correct. Among other things, but, yes.

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A. A-ha. They are based -- there's a formula that things are based on. Everything is actuals from the previous year, and then they are -- there's a budget that is set by the Station, and then presented to Corporate, and in consultation with Corporate you would agree on expenses and budgets for the following year.

Q. You were involved with that process; correct?

A. Yes.

Q. In fact, you were providing the estimated budget to Corporate on an annual basis; correct?

A. The estimated budget?

Q. Well, you indicated that Corporate had to approve the budget.

A. That's correct.

Q. So you couldn't just decide, This is the budget. You had to give an estimated budget to Corporate and it had to be approved; correct?

A. It had to be discussed, and then it would be jointly approved as to what the budget would be going forward.

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Q. Within that budget, was any amount allotted for promotional efforts?

MR. CERASIA: Objection to form.

You can answer.

A. Yes.

Q. Was that a specific line item within the annual budget?

A. Yes.

Q. Was there any breakdown within what was going to be spent on promotions?

A. I don't understand the question.

Q. Well, you indicated there's a line item for promotion or promotional efforts.

Is there any breakdown within that line item as to where those promotional funds are going to be allocated, in other words, News, Sports or something else?

A. Yes.

Q. I assume that was documented on a yearly basis?

A. It was. The overall budget would have to be achieved, yes.

Q. My question was with regard to promotions, it was documented what the annual

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about off-air promotions?

Q. I believe you just said when you say promotions, you're referring to off-air and on-air?

A. Yes.

Q. I'm talking about both, as well.

A. There's no line item for on-air promotion.

Q. So there's just a line item for off-air promotion?

A. Yes.

Q. How did you determine what amount would be spent each year for off-air promotion?

A. The Creative Service Director would submit a budget.

Q. During the period, again, let's use 2007 through 2009, who was the Creative Service Director?

A. John Zeigler.

Q. Would he provide his proposed budgets to you in writing?

A. Yes.

Q. Would there be back and forth with Mr. Zeigler about his proposed promotion

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budget?

A. Yes; in consultation with the CFO.

Q. Who was the CFO between 2007 and 2009?

A. Kathy Davis.

Q. She was the CFO of WPIX; correct?

A. Yes, correct.

Q. How would you characterize your management style as General Manager?

MR. CERASIA: Objection to form.

You can answer.

A. How would I characterize? I would say it was -- I had an open-door policy. It was open -- communicate with department heads and with the Station. Open-door.

Q. Do you believe you did an effective job as the General Manager between December 2000 and June 2010?

A. Yes.

Q. What was the reason why you left WPIX?

A. I was let go from the Station.

Q. Were you provided a reason as to why they were letting you go?

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A. Yes.

Q. What were you told?

A. They were forming their team, and I was not picked to be part of their team; that it was not performance related.

Q. Who told you that?

A. Jerry Kirsten.

Q. What was Mr. Kirsten's position either with the Tribune or WPIX?

A. I don't recall his specific title at the time.

Q. Did you have any discussion with Mr. Kirsten about why they were letting you go if it was not performance related?

MR. CERASIA: Objection to form.

A. I think -- I answered that question. That's what he told me.

Q. That was the extent, forming a team, and there was no discussion after that as to what that meant?

A. No.

Q. You accepted that reason and you walked away?

A. There was a little bit further

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discussion.

Q. Tell me about the substance of that discussion.

A. He brought up the fact that I had questioned Steve Charlier and Bill Carey as News experts. He had referred to them as "News experts." I had questioned the use of that word. He stated he didn't like that.

He also stated that when he had taken over his role at the Tribune Company that I had asked -- since the Tribune Company was making a lot of decisions from Corporate, they were just handing down dictates, taking a lot of the decision making away from the General Manager, I had questioned it and asked if they still wanted me to remain in the position, if they were making all these decisions.

I was told I was not there to make decisions, that I was there to execute their vision. I was asked if I could accept that, and wanted to continue with the role. I had said that I would need to think about it, and the next day I told them I would continue with the role.

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to?

A. I was told to leave the News decisions to the News experts, and that Bill Carey and Steve Charlier were characterized by Mr. Kirsten as experts.

Q. What about that did you question?

A. I'm not sure I understand that question.

Q. What issue did you have with what Mr. Kirsten told you?

A. I had a problem with Bill Carey.

Q. What problem did you have with Bill Carey?

A. I had a problem with his management style.

Q. Can you elaborate for me what problems you had with his management style?

A. I didn't think he treated people with respect, and I thought that some of the decisions that he was making were bad decisions.

Q. How long had Mr. Carey been on the job when you were terminated in June 2010?

A. To the best of my knowledge, I

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believe Bill Carey started on November 30, 2009.

Q. Was he hired to replace Ms. Scott as News Director?

A. Yes.

Q. Did you have any role in hiring Mr. Carey?

MR. CERASIA: Objection to form. You can answer.

A. I was told to hire Bill Carey.

Q. By who?

A. Steve Charlier.

Q. Were you personally in favor of hiring Mr. Carey?

A. No.

Q. Why not?

A. I didn't think that he was the right candidate for the position.

Q. Who did you think the right candidate was?

A. There were two people I had narrowed it down to, but let me answer your question you're asking.

John Houseman.

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Q. Why wasn't Mr. Houseman hired as the General Manager?

MR. CERASIA: Objection to form.  
You can answer.

A. I think you said as General Manager.

Q. I'm sorry.

What was Mr. Houseman hired as, the News Director?

MR. CERASIA: Same objection.  
You can answer.

A. Steve Charlier wanted Bill Carey to be the News Director.

Q. Did you believe Mr. Carey was more qualified to be the News Director than Karen Scott?

MR. CERASIA: Objection to form.  
You can answer.

A. I thought he was qualified, yes.

Q. My question was: Do you believe he was more qualified to be the News Director than Karen Scott?

MR. CERASIA: Same objection.

A. I thought he was qualified.

Q. I'm sorry, Ms. Berlamino, my

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You can answer.

A. For what I was -- for what the Company wanted to do, and what I was asked to do, I thought he was more qualified to do what Corporate was asking of WPIX.

Q. What was Corporate asking of WPIX?

A. They wanted to differentiate the News, they wanted change, they wanted to become a more electronic News Department, if you will, meaning cover three screens and elevate the ratings of the newscast and, therefore, turn a negative P&L news statement into a profitable one.

Q. If that was the goals that WPIX had in November 2009, why were you not in favor of hiring Mr. Carey?

A. I thought that his -- I didn't -- I clashed with his personality, and I felt that I did not care for his management style.

Q. During the period November 30, 2009, until June 7, 2010, did you run into any personality issues with Mr. Carey?

A. Did I --

Q. You personally.

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after the investigation had been completed?

A. No.

Q. Did you have any conversation with Mr. Charlier about Mr. Carey's position after the investigation was completed?

A. Yes.

Q. Tell me about the substance of that conversation.

A. He asked me if I felt I could work with Bill Carey. I said, No. And he said he would need to report those findings. He agreed that we could not work together; that he would need to report that to Randy Michaels, and that Randy Michaels -- that they would have to make a decision then -- choose between myself and Bill Carey, and that probably everyone would be getting in a room to make that decision on that.

He also said to me, What do you want me to do with him? Do you want me to put him back to Local TV? He said, Because they like him at Local TV. I said, Yes, I think that would be great. And he said, Well, that may not happen. You're putting the Company in a

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A. Yes.

Q. Which employee or employees have pending matters against you?

A. Sal Marchiano.

Q. Who is representing you in that matter?

A. Ed Cerasia.

Q. Is WPIX paying the legal fees in connection with Mr. Cerasia's representation in the Marchiano lawsuit?

A. Yes.

Q. Between 2007 and the end of 2009, who did you report to?

A. Sorry. Could you name the time frame again?

Q. Let's deal with January 1, 2007, through the end of 2009, who did you report to?

A. There were several different people during that time frame: John Riordan, Ed Wilson, Jerry Kirsten.

Q. Were all of those individuals employees of the Tribune Company?

A. Yes.

Q. Do you know the positions they held

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capabilities during the time she served as News Director and you were General Manager?

MR. CERASIA: Objection to form.

You can answer.

A. Well, I felt that Karen was a good worker. I thought that she took pride in her job. But I also felt that she did not handle personnel matters to the extent that I would have liked her to, and I felt that she didn't have the ability to get the news ratings to a point where we needed them to be, to make the Station -- to make the News, if you will, profitable.

Q. What was your opinion of her management style?

A. I think that at times it was lax.

Q. In your opinion, how did it compare to Mr. Carey's management style?

MR. CERASIA: Objection to form.

You can answer.

A. I would say they -- they each had different strengths and weaknesses.

Q. What were Ms. Scott's strengths and weaknesses?

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A. I think that Karen was -- treated people more respectfully. And I think her weaknesses were an inability to assess people's abilities, and make the necessary changes in order to put the right people in the right places, in the right positions, in order to elevate the ratings of the News, and turn the News into a profitable entity at WPIX.

Q. During the time that Ms. Scott was News Director and you were the General Manager, did you ever ask that she be investigated for anything that was occurring?

A. Yes.

Q. And when was that?

A. Define -- before I answer that, define "investigated."

Q. You indicated before that you made a request for an investigation of Mr. Carey in 2010; correct?

A. I presented the information that was given to me by the employees to Tribune Corporate, yes.

Q. Was there any similar circumstance that occurred with respect to Ms. Scott during

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MR. CERASIA: Objection to form.

A. Please define "any aspect" -- an investigation, your definition of the word "investigation," I want to make sure I answer the question correctly.

Q. I'm using your definition of investigation. You indicated, again, that you asked that certain allegations that were raised against Mr. Carey be investigated.

Was there ever a situation where Ms. Scott's conduct was investigated, aside from that instance that you just mentioned?

MR. CERASIA: Objection to form.

You can answer.

A. Conduct? You're asking of conduct?

Q. Correct.

A. Specifically conduct?

Q. Correct.

A. There were instances -- there were specific instances that we looked into things that happened.

Q. Can you tell me what instances you are referring to?

A. There was an issue with the time

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the Executive Producer of the Morning Show and one of the on-air talents, and both parties had said they had gone to Karen with their complaints and with their issues, and that they had not been resolved by Karen, so they were elevating their comments and complaints to HR and to myself.

Q. Are you referring to Emily Francis and Amy Growick?

A. Yes.

Q. Any other instances?

A. To the best of my recollection, I can't think of any at this time.

Q. Do you believe that Ms. Scott was an honest person during the time that you were General Manager and she was the News Director?

A. At the time, or do I believe that now?

Q. At the time. During the time period that you were General Manager and Ms. Scott was the News Director, did you believe her to be an honest person?

A. I did at the time.

Q. Did you believe her to be dedicated

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2 to her job?

3 A. Yes.

4 Q. As the News Director, what were  
5 Ms. Scott's duties and responsibilities?

6 A. To produce the highest ratings  
7 possible, and to make the News profitable.

8 Q. In your opinion, it was Ms. Scott's  
9 responsibility to provide the highest ratings  
10 possible?

11 A. That was a large aspect of the  
12 position, yes.

13 Q. Was that also part of your  
14 responsibility, to endeavor to make the ratings  
15 for the News as high as possible?

16 A. Yes.

17 Q. In connection with that, to provide  
18 whatever assistance was reasonable to increase  
19 the ratings for the News?

20 A. From whatever we could collectively  
21 do to increase the ratings of the News, yes.

22 Q. Who had the authority to hire and  
23 fire personnel for the News Division during the  
24 time period January 1, 2000, through August of  
25 2009?

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2 MR. CERASIA: Objection to form.

3 You can answer.

4 A. Karen.

5 Q. Could she do that without your  
6 approval?

7 A. No; we would consult on personnel  
8 issues.

9 Q. If Ms. Scott wanted to hire someone  
10 and you did not, who got the ultimate vote on  
11 that?

12 MR. CERASIA: Objection to form.

13 A. Karen.

14 Q. Karen had the power to hire  
15 somebody you were not in favor of?

16 A. I would voice my objection to  
17 Karen, I would listen to what she said. If  
18 what she said made more sense, then we would go  
19 with her hire.

20 Q. Could she hire somebody without your  
21 approval?

22 A. Depends what position.

23 Q. Well, what positions did she need  
24 your approval for in order to hire someone?

25 A. Anyone that had a contract, it had

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2 to be signed by myself, as well as Karen.

3 Q. What level of personnel in the News  
4 Division had contracts?

5 A. The on-air --

6 MR. CERASIA: Objection to form.

7 A. I'm sorry, what was the question?

8 MR. CERASIA: You mean individual  
9 contracts? There was unions there.

10 MR. RUBINSTEIN: I'm sorry. That's  
11 a good clarification.

12 Q. What level of employee in the News  
13 Division had personal contracts?

14 A. What level?

15 Q. Well, Mr. Cerasia rightfully made  
16 an objection saying, there's union contracts.  
17 I'm not talking about the union contracts, I'm  
18 talking about which people within the News  
19 Division had personal contracts with WPIX?

20 A. On-air talent, a Director had a  
21 contract, and an Executive Producer had a  
22 contract.

23 Q. Between 2007 and 2009,  
24 approximately how many employees were there  
25 within the News Division?

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2 A. Referring to FTs or FTEs?

3 Q. FT is full-time, FTE is full-time  
4 equivalent, is that what you're referring to? I  
5 want to understand what you're using as the  
6 definition.

7 A. There are two numbers, there are  
8 FTEs and there are FTs. Full-time employees  
9 would be actual people. FTEs would be any type  
10 of additional hours that are accounted for, and  
11 the way they're contracted as employee hours.  
12 So I want to answer your question correctly.

13 Q. Well, where my focus is, the number  
14 of employees that Ms. Scott had supervisory  
15 authority over during the period 2007 to 2009.  
16 So however that played out in your mind, that's  
17 what I'm looking at.

18 So, how many employees did Ms. Scott  
19 supervise between 2007 and 2009, approximately  
20 how many?

21 A. To the best of my knowledge, it's  
22 probably around 120.

23 Q. Does that include what you referred  
24 to before as FTs and FTEs?

25 A. That would be FTs.

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A. I don't remember.

Q. Was there anything memorable about the time that you saw her at the Station on a weekend, that one incident where there was a protest outside the Station?

Did anything happen during that weekend that was memorable to you in terms of interaction with Karen?

A. I don't remember.

Q. Did you ever socialize outside the office with Karen?

A. No.

Q. At the time Karen was fired, which we can all agree was the end of August 2009, what programming was she responsible for?

A. The morning newscast, the evening newscast, weekend newscast, and News Close-up.

Q. So we're talking about the same things as we go forward today, the morning newscast ran from what hours in the morning, as of 2009?

A. To the best of my knowledge, in 2009 it was 4:30 to 9.

Q. 4:30 a.m. to 9 a.m.?

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marketing of News programs?

A. Yes. There were News topicals that were done. They were initially done by News, and then Karen had asked if Creative Services could take over the News topicals.

She was consulted by Creative Services to have discussions about News promos.

Q. What's a "News topical"?

A. A News topical is -- it's a spot that says what you will be broadcasting that evening in the newscast.

Q. And that's marketed on air or off air?

A. That is marketed on air.

Q. So, for instance, during a show, during a baseball game they say, Coming up at 10, Jim Watkins exposes XYZ, is that topical?

A. That's one example of a topical.

Q. Did Karen have any involvement with outside marketing for the News programs?

A. She was consulted with Creative on outside marketing.

Q. Did she have any involvement with dollars that were spent on promotional efforts

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A. Yes.

Q. That was working with the General Manager?

A. At the time we had a Program Director.

Q. Who was that?

A. Julie O'Neil.

Q. Was there a Program Director after you became General Manager?

A. Yes.

Q. Who was that?

A. Julie O'Neil.

Q. And for what period of time was Ms. O'Neil the Program Director?

A. I don't recall the date that the position was eliminated by Corporate.

Q. Was there a Program Director between 2007 and 2009?

A. 2007 and 2009? There was a Corporate Program Director, Sean Compton, and there are two Regional Program Directors at Tribune Broadcasting, one for the East Coast stations and one for the West Coast stations.

The one that was assigned to WPIX

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was Wendy Logdson.

Q. Was there any WPIX employee that was a Program Director?

A. A Program Director?

Q. Right.

A. No.

Q. Who interfaced with Ms. Logdson from the Station, from WPIX?

A. There were many people that interfaced with Wendy.

Q. Was there one person that was sort of the supervisor or main person that you spoke with at WPIX regarding programming, again between 2007 and 2009?

A. I'm sorry, was there anyone I spoke to?

Q. You indicated that there were many people at WPIX that Ms. Logdson dealt with.

Was there one person within WPIX that you generally dealt with with regard to programming?

A. My assistant did some scheduling.

Q. Who is your assistant?

A. It was Liz Esquirol.

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(The record was read.)

A. Particularly in the last year, the ratings for the News, both the morning and the afternoon, in a four-book average had decreased anywhere in the range of 20 to 40 percent.

The News had a negative P&L, fully-loaded News P&L of minus -- to the best of my knowledge, \$3 million loss in 2008, and to the best of my knowledge, approximately a \$7 million loss in 2009, as a direct result of the ratings slide.

Q. Aside from the ratings and the negative P&L, any other issues that you were encountering or encountered with Karen's job performance?

A. Yes. There was a -- looking to expand the News Department into the three screens and just not concentrate on one screen, so that involved a whole News Department kind of shift of doing -- of the way that they -- the way that they operated.

Q. When you say, "three screens," what are you referring to?

A. Three screens generally means your

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Q. I'm sorry. Is there a different time period you were talking about?

A. I was looking at the full year, what would be considered full year 2008, which would be a November 2007 book to 2008.

Q. You're saying in that time period the ratings were down 20 to 40 percent?

A. The ratings were down in both the morning and the evening. To the best of my knowledge, the range in the ratings loss was somewhere between 20 and 40 percent.

Q. Is that for all age ranges or just specific age ranges?

A. The primary demographic for News would be 25 to 54. So the secondary demo would be adults 18 to 49, and other than that, most of the other demos are insignificant as it pertains to News.

Q. Was that always the case?

A. Yes.

(Berlamino Exhibit 3, marked for identification.)

Q. Ms. Berlamino, this document is marked as Berlamino 3 for identification. It's

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the Tribune as to what was most important?

MR. CERASIA: Objection to form.

A. The opinion was -- the new Tribune, the old Tribune?

Q. Well, let's deal with 2008, that's the time period you were just reflecting on.

In 2008, what was the opinion of the people you reported to at the Tribune as to what was important to the News programming?

A. Differentiating your product from its competitors.

Q. Do you recall being in a meeting with Randy Michaels in 2008 where you said the most important factor in ratings for News programming was the lead-in programming?

A. No.

Q. Do you remember any comment ever made by Mr. Michaels with respect to the importance of lead-in programming to the News?

A. No.

Q. Do you remember any comment ever made by Mr. Michaels as to the relative importance of lead-in programming to the News?

A. No, I don't remember.

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have Grey's Anatomy, it's irrelevant. That's what was provided -- if you're an affiliate you take the programming that you are provided.

Q. Do you have any recollection as to whether the ratings for the lead-in programming to the News was better, worse, or about the same after the change was made to The CW?

MR. CERASIA: Objection.

A. I don't recall what the ratings were, but as I stated before, part of the reason that WB ceased to exist is that as a network their ratings and profits were down, and they joined with CBS to form a new venture, The CW.

Q. You don't remember what, if any, impact that had on the lead-in programming to the News?

A. No, I don't remember.

Q. Was Steve Schussel responsible for monitoring the ratings for the lead-in programming for the News?

A. Define "monitoring." Everyone received ratings on a daily basis.

Q. From who?

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 2 Improvement Plan?  
 3 A. I don't remember.  
 4 Q. Did you ever prepare a Performance  
 5 Improvement Plan for Ms. Scott?  
 6 A. I asked to.  
 7 Q. You asked who to?  
 8 A. Steve Charlier.  
 9 Q. When was that?  
 10 A. That was before the decision was  
 11 made to make a change. My suggestion to Steve  
 12 Charlier was that Karen be put on a Performance  
 13 Improvement Plan. He had said, no, he didn't  
 14 think that was necessary, given what her  
 15 position was, but had suggested that I call  
 16 Myrna Ramirez and have that conversation with  
 17 her, which I did.  
 18 Q. And when was that?  
 19 A. To the best of my knowledge, that  
 20 was in July -- sometime in July 2009.  
 21 Q. Was a Performance Improvement Plan  
 22 ever drafted for Ms. Scott?  
 23 A. No. I was told that it wasn't  
 24 necessary.  
 25 Q. By Mr. Charlier?

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1 Betty Ellen Berlamino  
 2 Q. On what occasions did Human  
 3 Resources from the Tribune get involved with  
 4 WPIX personnel matters?  
 5 A. If it was on a high level, if it  
 6 was on a department head level. Sometimes on a  
 7 talent, on a talent level.  
 8 Q. You indicated that you asked  
 9 Mr. Charlier to do a Performance Improvement  
 10 Plan for Karen, and he responded, it was not  
 11 necessary.  
 12 Was that a phone conversation,  
 13 in-person meeting, e-mail?  
 14 A. That was an in-person meeting. My  
 15 suggestion was I didn't want to do what they  
 16 had asked me to do, and I said that -- how I  
 17 would like to handle the situation was to put  
 18 Karen on a Performance Improvement Plan.  
 19 That was an in-person meeting we had  
 20 at a restaurant across from WPIX, and, once  
 21 again, to reiterate what I said. He said, No, it  
 22 wasn't necessary at that level. But that I  
 23 should go back to the Station and I should call  
 24 Myrna in Corporate HR to get her input.  
 25 Q. Were there any e-mails that you sent

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 2 A F T E R N O O N S E S S I O N  
 3 (Time noted: 1:32 p.m.)  
 4  
 5 B E T T Y E L L E N B E R L A M I N O,  
 6 resumed and testified as follows:  
 7  
 8 EXAMINATION (Cont'd.)  
 9 BY MR. RUBINSTEIN:  
 10 THE VIDEOGRAPHER: We're back on  
 11 the record. The time is 1:32 p.m.  
 12 This is the beginning of Disk 3.  
 13 Q. Good afternoon. May I remind you  
 14 you're still under oath?  
 15 A. Yes.  
 16 Q. Did you place any importance on the  
 17 receipt of awards for WPIX?  
 18 MR. CERASIA: Objection to form.  
 19 A. They're certainly nice to have, but  
 20 at the end of the day, ratings are what really  
 21 matter.  
 22 Q. Putting aside ratings, did you  
 23 consider awards to be important to the Station?  
 24 MR. CERASIA: Objection to form.  
 25 A. Like I said, I think they're nice

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1 Betty Ellen Berlamino  
 2 to have, but the most important thing are the  
 3 ratings.  
 4 Q. Did any awards have more  
 5 significance than others, in your mind?  
 6 A. No, not necessarily. Ratings are  
 7 what advertisers base the rates on.  
 8 Q. With respect to awards during the  
 9 time that Ms. Scott was News Director, how did  
 10 WPIX fare compared to its competitors?  
 11 A. What specific awards are you  
 12 referring to?  
 13 Q. Let me ask you: What awards did you  
 14 consider to be important?  
 15 A. Like I said, awards are nice to  
 16 have, but the most important thing are the  
 17 ratings.  
 18 Q. So did you have -- did you place any  
 19 significance on awards that were received by  
 20 WPIX?  
 21 A. They're great to have.  
 22 Q. And in terms of the number of  
 23 awards received during the time that Ms. Scott  
 24 was a News Director, how did that compare to  
 25 WPIX's competitors?

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1 Betty Ellen Berlamino  
2 the News Division in getting nominated for  
3 awards?

4 A. Those were submitted by the News  
5 Department. They would assess what they felt  
6 were their best shows, and they would -- and  
7 they would submit them for nomination. It was  
8 their selection process.

9 Q. Did you have any involvement?

10 A. In the selection process? No.

11 Q. Did you have any involvement in the  
12 submission process?

13 A. In the submission process? No. I  
14 mean, just the budget.

15 Q. Did you care if the News Division  
16 received awards?

17 A. Yes.

18 Q. Why?

19 A. Once again, the awards are nice to  
20 have. But at the end of the day, it's ratings  
21 that are the important attribute in a News...

22 Q. Why were the awards nice to have?

23 A. Why not? It's -- I think awards  
24 are nice to have. Like I said, at the end of  
25 the day, not only in the News business, but in

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1 Betty Ellen Berlamino  
2 two pages were identical.

3 Q. So we'll try again. Ms. Berlamino,  
4 you should have in front of you a document  
5 marked as Berlamino 6, which is WPIX 468 and  
6 469.

7 Is that what you have?

8 A. Yes.

9 Q. And it's what appears to be  
10 Ms. Scott's compensation for 2007, 2008 and  
11 2009, a summary.

12 Do you see that?

13 A. Yes.

14 Q. Please turn to the page that has  
15 2008 on it. On that page there's a line item  
16 indicating "Management Incentive pay \$75,000."

17 Do you see that?

18 A. Yes.

19 Q. And was that paid to Ms. Scott based  
20 on your recommendation?

21 A. Yes. But that would be paid for --  
22 that would be paid -- that was for the previous  
23 year's performance.

24 Any MIP that shows up in 2008 will  
25 be for the previous year's performance. And

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1 Betty Ellen Berlamino  
2 that would indicate that she had been eligible  
3 for a bonus up to \$100,000, which is 40 percent  
4 of her salary, and she received 75.

5 Q. That's my next question. How do you  
6 know what the eligibility is for the MIP, the  
7 total eligibility?

8 A. 40 percent of base salary.

9 Q. And she received 75,000?

10 A. Correct.

11 Q. Was that the same for every year,  
12 the eligibility, the MIP was always 40 percent  
13 of base salary?

14 A. Yes.

15 Q. Do you know when the MIP was paid,  
16 what month?

17 A. To the best of my knowledge,  
18 generally, in February of the following year.

19 Q. When did you determine what an  
20 employee's MIP was going to be?

21 A. Well, the year would be over, we  
22 would have to take a look at the numbers for  
23 the entire Station, and we would submit our  
24 final numbers to Corporate.

25 They would then get back to us as

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1 Betty Ellen Berlamino  
2 Q. Do you remember if it was in early  
3 July or late July?

4 A. I do not recall the exact date.

5 Q. Who made the decision to terminate  
6 Ms. Scott?

7 MR. CERASIA: Objection to form.

8 A. Steve Charlier had for about a year  
9 expressed to me that he didn't believe that  
10 Karen was the appropriate person to do what  
11 needed to be done in the News to change the News  
12 around, to bring the News to profitability, to  
13 raise the ratings, and to create a News that was  
14 different.

15 Every time he came to the Station he  
16 requested a meeting and specifically asked me:  
17 So, is Karen still the one? I was asked to  
18 defend her. I was asked to explain why I  
19 wanted to retain Karen, and I had asked -- I  
20 had stated that WOR would be moving their 10  
21 o'clock newscast to 11 o'clock, and that I  
22 wanted to wait for decisions to be made after  
23 that, because I felt that we might be able to  
24 make some gains there.

25 One time in July, Steve came to the

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Station, he asked me if Karen was still the one, and I said, I'm not going to fight you anymore, no.

Q. And you don't recall exactly when that was in July?

A. I don't remember the date.

Q. Do you have any documents that would refresh your recollection as to when that meeting took place?

A. No, I don't.

Q. I want to make sure I have your testimony accurately. You indicated that about a year earlier Mr. Charlier came to you questioning whether Ms. Scott was the right person to be the News Director?

A. I believe what I said was, for quite sometime he had been questioning me as to -- he had done his own analysis, he was tasked with looking at all the newscasts at Tribune Company, and had made a change at KTLA, and after he was done making his changes at KTLA, put his focus on WPIX, and repeatedly had asked me if I still felt Karen was the right person to lead us through this change, and to -- as they had

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called the News, stop doing News as a hobby and returning News to a business proposition.

Q. Were there any written communications between you and Mr. Charlier regarding Karen Scott's status as News Director, including e-mails?

MR. CERASIA: Objection to form.  
You can answer.

A. To the best of my recollection, no.

Q. So these were all either phone or in-person conversations where you and Mr. Charlier discussed Karen Scott's position with the Company?

A. Yes. Mr. Charlier visited quite frequently.

Q. Was anyone else involved in these discussions aside from Mr. Charlier about Ms. Scott's position with the Company?

A. Yes.

Q. Who else?

A. Myrna Ramirez.

Q. When did Ms. Ramirez get involved in these discussions?

A. Well, as I had previously stated,

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A. As I said, the beginning of the first conversation took place in my office, and then the final conversation took place at a restaurant across the street.

Q. That was the same day?

A. That was the same day, yes.

Q. When did you speak to Ms. Ramirez?

A. I went back to my office and called her.

Q. And what did you tell her?

A. I said, I have to fire Karen, but I really want to put her under a Performance Improvement Plan. Steve said no, and he said that I should call you -- because Steve specifically said that at that level you don't need to do that, that the ratings aren't there.

It had been a long time that the ratings were sliding. The News was a negative P&L. We were performing News as a hobby and not as a business. And she said, Well, you know, Steve's correct, at that level it's not necessary to put someone on a PIP, Performance Improvement Plan.

Q. Was that the extent of your

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conversation with Ms. Ramirez?

A. I believe that reflects the essence of the conversation, yes. To the best of my knowledge, that's the conversation.

Q. If that took place in July 2009, why wasn't Ms. Scott fired until the end of August?

A. I told Steve that I didn't want to do it right now because I had a scheduled vacation, and I didn't -- I don't think it would be appropriate to let Karen go and then go on vacation.

Q. How long was your vacation?

A. It was 13 days.

Q. Why wasn't Ms. Scott fired right after you came back from vacation?

MR. CERASIA: Objection to form.  
You can answer.

A. I was still hoping that maybe we didn't have to do it. And then I had other discussions with Myrna Ramirez, and we looked at some of the information that we had, ratings and profitability.

Q. Ms. Scott was terminated on August 26, 2009. Had she ever been given a

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1 Betty Ellen Berlamino  
2 warning about her job security prior to that  
3 date?

4 MR. CERASIA: Objection to form.

5 A. I had a conversation with Karen in  
6 my office after WWOR had beat us in the November  
7 sweep, and I told her that if we didn't turn  
8 this situation around, that her job would be in  
9 jeopardy.

10 And I told her that probably the  
11 probability of what would happen is she would go  
12 first and then I would go second.

13 Q. When was that conversation?

14 A. That was sometime after the  
15 November sweep was completed, so I don't  
16 remember that year what date the November sweep  
17 ended on, but it would be sometime during the  
18 last half of November and the beginning of  
19 December, after the sweep was over.

20 Q. What year?

21 A. That would be November 2008 book.

22 Q. Did you document that conversation  
23 you had with Ms. Scott anywhere?

24 A. I did. I wrote it up. I had a  
25 conversation with the HR Director that I had

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2 first time that we were in that position. That  
3 put us in a very detrimental position as far as  
4 rating losses, position and rank in the market.  
5 It put us in a very difficult position for the  
6 Sales Department to sell the News.

7 The News had lost a large  
8 percentage of viewers, and like I said, lost to  
9 WWOR, where previously we had been the second-  
10 ranked newscast at 10 o'clock, and became  
11 three.

12 Q. Just tell me about the meeting that  
13 you had with Ms. Scott that day. What did you  
14 say to her and what did she say to you?

15 A. She told me that she understood. I  
16 said, Karen, this is serious. Bad performance.  
17 We need to get the ratings of the News up.  
18 We're now in a very, very tough position. We  
19 put the Sales Department in a tough position.

20 I'm trying to recall exactly the  
21 conversation. And, basically, I told her that  
22 if we didn't change the numbers, if we didn't  
23 improve the numbers, that, you know, her job was  
24 in jeopardy.

25 As I had previously stated, I told

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2 e-mail, phone call. To be in the position that  
3 we were in for November sweep -- the November  
4 sweep is an extremely important sweep in  
5 television and it sets advertising rates very  
6 often for the following year.

7 This was very troubling and very  
8 dramatic, and it had to be handled.

9 Q. And what week or weeks is the  
10 November sweep?

11 A. It varies from year to year. I  
12 don't recall that year.

13 Q. Is it in November?

14 A. The November sweep is in November,  
15 yes.

16 Q. Anything else about that meeting  
17 that you can recall? I will let you see this.  
18 I want to get your recollection right now.  
19 Anything else about that meeting that you can  
20 recall?

21 A. Like said, I had the meeting, I  
22 documented it that day so as to remember it  
23 exactly as it happened.

24 Now you're asking me, you know, a  
25 couple of years later to recall everything from

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1 Betty Ellen Berlamino  
2 that conversation. To the best of my knowledge,  
3 I'm giving you the best recollection I can give  
4 you. But I believe that it is documented in  
5 there, as it had taken place that day, which  
6 would be a better representation of the actual  
7 conversation.

8 Q. And Jean Maye was in the office that  
9 day, as well; is that correct?

10 MR. CERASIA: Objection to form.

11 A. With myself and Karen?

12 Q. No. After you had the meeting with  
13 Karen you went to Jean Maye's office and spoke  
14 to her; that's correct?

15 A. Yes. Jean Maye told me to document  
16 the conversation and to write it up.

17 Q. And this conversation with Jean Maye  
18 was in the offices?

19 A. In her office.

20 Q. Did Jean Maye work on weekends?

21 A. No.

22 Q. What were her usual hours?

23 A. Her usual hours were probably 9 to

24 6.

25 Q. Anyone else you spoke to on that day

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about the meeting you had with Ms. Scott?

A. Not to my recollection, no.

MR. RUBINSTEIN: Mark this, please.

(Berlamino Exhibit 7, marked for identification.)

(Witness reviews document.)

Q. Ms. Berlamino, I'm showing you a document that's been marked as No. 7 for identification. It's Bates stamped WPIX 173. It has your name on the top left-hand corner, and a handwritten date in the right-hand corner of 11-2-08.

I ask as you take as much time as you need to read this document and let me know when you're finished.

(Witness reviews document.)

A. Yes.

Q. Ready?

A. Yes.

Q. Who handwrote the date in the right-hand corner?

A. I have no idea.

Q. Is that your handwriting?

A. That's what I'm trying to figure

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A. That's why I'm saying, I'm assuming it was the correct date. What I just said to you, if I had the wrong date on my watch or something then I wrote the wrong date.

Q. So you're not sure if the meeting took place on November 2nd?

A. I'm not sure if that was the date. At the time I wrote it, I probably thought that was the date. That perhaps it was November 1st.

Q. That would have been a Saturday.

A. I'm just saying, I could go back and look at a calendar, it might be in a calendar that I have that I had a meeting with her.

Q. Well, this is not the only document where you put that you met with Karen Scott on November 2nd. It was in a submission to the Equal Employment Opportunity Commission, and I will show you other documents that you put that --

MR. CERASIA: She didn't draft that Ken. I mean, come on.

MR. RUBINSTEIN: I'll show her things that she drafted. I want to get the date

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Q. Did you make any corrections to it after the day that you drafted it?

A. No. I just printed it and put it in my file in my desk.

Q. Within the memo, Ms. Berlamino, it indicates on the second half of the second line: "I explained to her there was no room for excuses, and that in spite of the lead-in we expected to do a higher number."

Do you see that?

A. Yes.

Q. What did you mean by "in spite of the lead-in"?

A. To the best of my recollection, Karen always voiced her concern about the lead-in, and the point here is that the lead-in could not be used as an excuse to not getting a higher rating.

Q. What other items did Karen raise with you as to reasons why the ratings weren't as high as you would have liked them to be?

A. In this meeting?

Q. Either in this meeting or after this meeting.

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A. Could you repeat the question?

Q. Sure. Were there any reasons -- strike that.

When you had meetings with Karen to discuss ratings, were there any reasons that Karen gave you as to why she thought the ratings were not as you would have liked them to be?

A. Yes. I felt that she did give me excuses for that.

Q. And what were they?

A. Well, she did talk about the lead-in, which, of course, is not a factor in the morning. That would be a factor at 10 o'clock, it wouldn't be a factor in the morning News.

She always pushed for more promotion, and I would say those were the two main factors that Karen always used as an excuse as to why the numbers weren't better.

Q. And you disagreed with those factors as affecting the rating?

A. You know, we worked at a CW station, previous to that a WB station, and previous to that an independent station. Those

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2 back at documents or speaking to people, so I  
3 want to know what you did to prepare this  
4 document?

5 A. I looked at the information I had  
6 in the file that I was keeping on Karen, and  
7 recapped it.

8 Q. The file that you were keeping on  
9 Karen went back to 2004?

10 A. There were a lot of things in the  
11 file.

12 Q. What did you do with that file after  
13 you left WPIX?

14 A. It was in my desk.

15 Q. Was there any file folder or Redweld  
16 that that file was kept in?

17 A. No. I gave -- all the documents  
18 that I had, I left on my desk. I left for -- I  
19 left with Gina Mazzaferri, before I left.

20 Q. Was there any identifying folder or  
21 cover that said that file was about Karen  
22 Scott?

23 A. I handed it to Gina.

24 Q. Do you know exactly what you handed  
25 to her?

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2 A. It was a file -- it was a very thick  
3 file that was filled with copies of e-mails that  
4 I had sent to Karen.

5 Q. When did you compile that file?

6 A. That was compiled when Ali was  
7 writing her response to the Complaint.

8 Q. What did you do to compile that  
9 file, where did you look for documents?

10 A. I think, as I just stated, I had  
11 many of them in a file in my desk. And I also  
12 looked in my computer for any e-mails that I  
13 still saved that were in my computer.

14 Q. In the first paragraph, the second  
15 sentence, it indicates: "The ratings for our  
16 newscast have been declining for over four  
17 years."

18 Was that an accurate statement?

19 A. Ratings fluctuate from one year --  
20 one book to the other, but it is -- the most  
21 recent year was of the biggest concern, where  
22 the ratings were down from anywhere from 20 to  
23 40 percent.

24 But ratings do fluctuate from year  
25 to year. They can take a one-book upswing, they

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2 Q. And did you have any understanding  
3 that this document was somehow related to  
4 Ms. Scott's termination?

5 A. It was a recap of the issues that  
6 we were having in News, and the issues  
7 specifically I was having with Karen.

8 Q. Which led to Ms. Scott being  
9 terminated; correct?

10 A. Once again, I don't recall if this  
11 was done after the decision was made to  
12 terminate her or before the decision was made to  
13 terminate her.

14 (Berlamino Exhibit 10, marked for  
15 identification.)

16 Q. Ms. Berlamino, this document is  
17 Exhibit 10 for identification. It bears Bates  
18 number WPIX 327 through 330, dated Monday,  
19 August 17, 2009, from you to Ms. Ramirez. The  
20 subject line says: "I added a few things  
21 today."

22 Do you see that?

23 A. Yes, I do.

24 Q. Without going back and spending  
25 hours comparing line by line, does this help

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2 refresh your recollection as to when you may  
3 have drafted Berlamino 9, which was the prior  
4 document I showed you?

5 A. Yes. It would be after the  
6 conversation had taken place to make the  
7 decision to terminate Karen.

8 Q. So you understood that you were  
9 drafting these documents in connection with  
10 Ms. Scott's termination; correct?

11 A. Yes.

12 Q. And the reason for preparing this  
13 document was to form a basis for terminating  
14 Ms. Scott; correct?

15 A. No. The decision had already been  
16 made to terminate Karen, and I was documenting  
17 what we had in order to substantiate the  
18 reasons for termination.

19 But that decision had already been  
20 reached.

21 Q. So if the decision was reached, why  
22 was preparing this document necessary?

23 MR. CERASIA: Objection to form.

24 A. Because I recapped everything that  
25 -- everything that we had that led us to that

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A. The decision had been reached to terminate Karen, and we were -- before the meeting took place, the final meeting took place, Myrna was going to prepare a script for me to read in that meeting with Karen. I was to not veer from the script.

I was told a script would be prepared, and I was just to read from that script. So what I was preparing here was information to help her write that script.

Q. And the information that you sought to put in this document was information that you thought supported the decision to terminate Karen?

A. Well, as I had previously stated, my recommendation had been to put Karen on a Performance Improvement Plan, and Steve Charlier and Myrna had disagreed with that, and wanted to go forward with the termination.

Q. Right. My question was a little different.

The information that you were putting into this document was information that you believed supported the decision to terminate

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Did you feel as of August 2009 that the issues you raised in November 2004 were not sufficiently addressed?

A. I'm sorry. Could you repeat the question?

Q. You refer in this document to an e-mail exchange or conversation between you and Karen from November of 2004.

As of August 2009, did you feel that the issues you addressed with Karen in November 2004 had not been addressed?

A. Let me read the paragraph, then.

Q. Absolutely.

(Witness reviews document.)

A. I think they were indicative of conversations that continued to take place. I believe they were indicative of Karen blaming Nielsen, or the ratings, indicative of me constantly asking, Do we have the right people putting the show together in front of and behind the camera?

I think they were continued conversations that seemed to -- or continued problems that seemed to come up year after year,

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and I felt that it was indicative of the leadership that I was continually asking Karen to exhibit, and make hard choices and decisions to turn the News around.

Q. And you believe that continued between November 2004 until August of 2009?

A. On a continued basis, no. I think that there would be -- you know, sometimes things would get better, but at the end of the day, I thought we were still dealing with some of the basic issues and some of the basic problems that Karen would often blame, in my opinion, outside sources for lack of ratings, and that leadership was still needed to make tough decisions and getting the right people in front of and behind the camera.

I believe it was an ongoing management issue on her part.

Q. The next page, you refer to an e-mail, in the second full paragraph, of September 26, 2005, about getting Kaity and Jim into the field as another example of issues you had with Karen.

Do you see that?

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that WWOR had beat us at 10 o'clock, outlining the fact that we had ratings declines of anywhere from 20 to 40 percent in some of the most recent books, and discussing a negative P&L, discussing the fact that the News was losing money, discussing the fact that I need Karen to take a hard look at the department and make important decisions in order to correct the situation.

Q. And you're saying some of those e-mails may not have made its way to this document?

A. I would say there are far more -- there are a lot of e-mails, and not every single one was included.

Q. As you sit here today, do you know of any of e-mails during the three-year period of October 2005 to November 2008?

A. I don't remember.

Q. When you were assessing the ratings for the evening News, let's deal with 2007 to 2009, what stations would you look at to say, These are our competitors?

A. All stations.

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Q. What about with respect to promotional efforts, was this study used to make any changes in promotional efforts for the News?

A. This study was primarily used to take a look at talent and take a look at what people thought of the overall newscaster, what people were looking for in a 10 o'clock newscast.

Q. We talked a lot today about ratings. I just want to go into that a little bit.

When you say, "ratings," are you referring to the Nielsen ratings?

A. Yes.

Q. Just describe for me what your understanding of the Nielsen ratings is? What does it measure?

A. Viewership.

Q. What is your understanding as to how it measures viewership?

A. Recruits people from the market, and they recruit a representative sample of the market. They install meters in people's homes.

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They ask them to push buttons as to what programs they are viewing.

The data goes into a mainframe computer in Dunedin, Florida, and then it is calibrated and calculated and sent out as a rating.

Q. Between 2007/2009, did you believe that the Nielsen ratings fairly reflected viewership of WPIX News programs?

MR. CERASIA: Objection to form.

A. Well, I don't know that Nielsen ratings were ever viewed by any television General Manager as accurate, whether it's 1980 or 2009.

According to Nielsen, they have a representative sample of the market.

Q. My question is: In your opinion, do you believe --

A. Well, the --

Q. -- that the Nielsen ratings fairly reflect the viewership for the WPIX News programs between 2007 and 2009?

MR. CERASIA: Objection to form.

A. They reflect the viewership the same

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way not only for WPIX, but for ABC and for Fox and NOR. Everyone is held to the same accountability.

Q. Were you ever of the opinion that the Nielsen ratings impacted WPIX more in a negative way than other stations?

A. I think it's impacted the change to -- the LPMs impacted how viewership gets measured, and every single television station in the market and any LPM market is held to the same standards. It's no different.

The Media Ratings Council has always accredited the New York market. So it's been an accredited market ever since numbers were measured.

Q. My question was a little bit different. It was based on how Nielsen conducts its research.

Do you believe that its ratings unfairly impacted WPIX versus WPIX's competitors?

A. I think it impacted all of us.

Q. The same way?

A. I think it impacted all of us, and all of us were looking for Nielsen to add more

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meters into the market. That was something that did get accomplished in the market.

I think that every television station in this market felt that LPMs just impacted ratings in general.

Q. My question is: You, as the General Manager of WPIX, did you believe that the way Nielsen was conducting its ratings negatively impacted WPIX versus its competitors?

MR. CERASIA: Objection. Asked and answered.

A. We're all held to the same rating system.

Q. So you had no opinion?

A. I would like to have seen Nielsen do something differently.

Q. Like?

A. Once again, add more meters to the market. Therefore, that's why I organized the entire market, and we had a New York market meeting, and one of -- I presented the data at the meeting, and we asked them to add more meters to the market. We felt that would be more reflective, a better sample, and they

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2 they're conducting the ratings. If you read, it  
3 says we're displeased with the numbers.

4 Q. What does that mean to you?

5 A. The ratings, not the way they're  
6 being conducted. It says: We're unhappy with  
7 our ratings. I would hope that in his job he  
8 did that all the time the entire time he was  
9 employed.

10 Q. Why would Nielsen care if you are  
11 unhappy with the ratings?

12 A. They don't.

13 Q. I'm saying -- let me finish. Why  
14 would WPIX tell Nielsen that they're unhappy  
15 with the ratings?

16 Wouldn't the response be, So have  
17 better shows?

18 A. They don't care, but --

19 Q. Wasn't it true that Mr. Schussel  
20 was actually communicating to Nielsen over an  
21 extended period of time the Station's  
22 displeasure with how Nielsen was conducting the  
23 ratings?

24 MR. CERASIA: Objection.

25 A. This does not -- I'm trying to see

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2 e-mail?

3 A. This e-mail was referencing this new  
4 study.

5 MR. CERASIA: Let the record  
6 reflect she's pointing to Exhibit 11.

7 A. Exhibit 11. This new study, as we  
8 previously discussed, was conducted by Carolyn  
9 Gilbert and Lee Jacobs, to come to some  
10 conclusions about the 10 o'clock News. And I  
11 had issues with the way that they conducted  
12 this research.

13 I didn't think that the methodology  
14 was correct. I didn't think the sample size was  
15 good. And I thought the conclusions they drew  
16 from this were not based on accurate  
17 information.

18 Q. My question was: With respect to  
19 the second page you refer to layoffs and job  
20 eliminations over the past year. Why were you  
21 including that in this e-mail?

22 A. Anytime you do eliminations or you  
23 do contract non-renewals, as part of the due  
24 diligence in HR and at the station level you do  
25 an Adverse Impact Assessment, and this is

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1 Betty Ellen Berlamino  
2 standard operating procedure as an Adverse  
3 Impact Assessment.

4 Q. Did you do one when Karen Scott was  
5 terminated?

6 A. That was one person. But an Adverse  
7 Impact -- you do it when you have multiple  
8 layoffs. And as you probably know from  
9 employment law, when you do job eliminations, by  
10 law you have to give the persons being  
11 eliminated a list of and the ages of the people  
12 who are being eliminated.

13 This is just a continuation of an  
14 adverse impact analysis.

15 Q. Who's being eliminated in June of  
16 2009?

17 A. Well, I think you're missing -- I  
18 believe you're missing the actual point of the  
19 e-mail.

20 Q. No, I read the e-mail. I'm asking  
21 you --

22 MR. CERASIA: She's not finished.

23 Q. My question was: Who is being  
24 eliminated in June 2009?

25 A. The conclusion that they drew from

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2 this study was that Kaity Tong should not  
3 continue as the 10 o'clock News anchor based on  
4 the numbers that were produced in this 10  
5 o'clock News study.

6 And I was objecting to their use of  
7 this particular research to draw that conclusion  
8 because, once again, as I stated before, I did  
9 not think that this was an accurate News research  
10 study.

11 Q. Now I'm confused. So this is just  
12 referring to one person being eliminated,  
13 Ms. Tong?

14 A. I had pretty much lost in my ability  
15 to get them to listen to me and my  
16 recommendation. They had made a decision that  
17 they were going to make an anchor change at 10  
18 o'clock, and they were going to recruit a  
19 female 10 o'clock News anchor. I had urged  
20 them to do a new study. This is the new study  
21 that they produced, and I was told that when the  
22 new study was done, would I live with the  
23 conclusions of the new study. I had agreed with  
24 them that I would.

25 Once I looked at the methodology of

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the study, I couldn't abide by what I had told them because I didn't think it was fair. And I thought that they were drawing conclusions on bogus information.

They reminded me that I agreed to live by the terms of the new study, and in my final-ditch attempt to get them to not do that, because I felt it was not fair, I laid out, as an Adverse Impact Assessment, how this would figure into that.

Q. I thought you had mentioned before you did an adverse impact study when there was more than one person being let go.

So I'm clear, this just related to possibly letting go Kaity Tong?

A. A-ha. Yes.

Q. All of these other people were already fired, correct, or job eliminations -- or slated for eliminations?

A. Yes.

Q. Did this lead you to requesting that Karen prepare a letter to Kaity about her job status?

MR. CERASIA: Objection to form.

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MR. RUBINSTEIN: I will take that objection and rephrase the question.

Q. Did the June new study lead you to direct Karen to write a letter to Kaity Tong regarding her job status?

A. Yes. At the request of Myrna Ramirez, Myrna Ramirez, as you will see from the document you handed me on the first page, I forwarded this to Myrna to try and get her help with the situation.

She told me she would then get involved and she, too, personally would speak to Ed Wilson, which she did. I got a phone call, I remember, the date on this is June 19th, from Myrna, who said, I spoke to Ed. He agreed that you don't have to let Kaity go at this point, Kaity is saved.

However, as part of that she will need -- Karen will need to prepare a document telling her that there was a survey -- there was a study conducted, that she didn't look favorable on that new study, and things she would need to do on an ongoing basis to improve her job performance.

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Q. What was Karen's response when you told her that she had to prepare the letter for Kaity Tong?

A. Well, before that I called up Karen, I was out on June 19th, I called her up from the road and I said, We did it, Kaity is saved. And then I told her that she had to prepare the -- yes, that she had to prepare the letter.

She said, Fine, as long as we get to save her. I said, Myrna and Jean will work with you on the contents of the letter.

Q. Did Karen agree?

MS. JUBELIRER: I'm sorry to interrupt. I need to go.

MR. RUBINSTEIN: Have a safe trip.

Q. Did Karen agree that a letter was necessary?

A. She said she would do it if it saved Kaity.

Q. Did she agree that there was a necessity to send Kaity a letter about her job status and performance?

A. No. And neither did I.

Q. In this document in front of you

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operating cash flow.

Q. Did Ms. Scott's termination have anything to do with financial constraints of the Network?

MR. CERASIA: Objection to form.

A. Financial constraints of the Network? The CW Network?

Q. Was WPIX under any financial constraints in August of 2009?

A. Oh, you said, "the Network." Well...

Q. The Station.

A. Okay.

Q. Did Ms. Scott's termination in August 2009 have anything to do with the financial condition of WPIX?

MR. CERASIA: Objection to form.

A. Well -- if you look at the P&L of the News Department, it depends how you want to answer that question. If you're asking the question, Was the job eliminated and the dollars put to the bottom line? No. But did it have anything to do with we had experienced two negative cash flow years for the News? Yes.

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That was a factor.

I guess I'm not understanding the question.

Q. What suggestions or proposals did you make to improve the ratings to Ms. Scott?

MR. CERASIA: Objection to form.

Q. I'll rephrase it.

Did you ever make any proposals or suggestions to Ms. Scott that you believed would improve the ratings?

A. I think we looked at some of those, and one of the suggestions, I think, had been getting the anchors out in the field some more. At the time, Steve Charlier was very, very involved, and asked us to look at all resources, allocation of resources.

Certainly, one of the conversations we had several times was to treat the newsroom with a three-screen approach. Get more content into the Internet, into mobile, and Karen needed to once again look at everyone in front and behind the camera, make tough decisions, reallocate resources where necessary, and do what she needed to do to improve the ratings

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through some other method?

MR. CERASIA: Objection. She doesn't know if she got it from him.

MR. RUBINSTEIN: That's a fair point, Ed.

Q. Would Mr. Charlier provide you with News Priority Summaries with any frequency in 2009?

A. Sometimes I would get them, sometimes I wouldn't. Sometimes he communicated directly with Karen.

Q. In this format?

A. That would be speculation.

Q. When did you first encounter issues with Karen that you believe warranted her termination?

A. Well, as I stated previously, we had a solid year of decreased ratings, two years of negative cash flow, and I had -- was continuing to have to defend Karen as the News Director to Steve Charlier, and had run out of what he deemed were acceptable excuses not to make a change.

Q. And this was in July 2009?

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Q. No, this is a different question.

A. Oh, okay. I don't recall answering the first one.

Q. Because you couldn't. But between 2007 and 2006 --

MR. CERASIA: Objection.

Q. -- did the ratings improve, stay the same or decrease?

A. Well, the most important number that needs to be looked at to make a determination of the end of employment would be the most -- the latest ratings books.

And the last four sweep book average, and to the best of my knowledge, the last four major sweeps prior to Karen being the News Director, in both morning and evening News, went down dramatically.

Q. Ms. Berlamino, if Mr. Cerasia wants to ask you questions when I'm done, he can ask you all the questions he wants and get that information from you. I'm just going to ask you to answer my questions.

My question was: Between 2006 and 2007, did the ratings improve, stay the same, or

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decrease?

A. I don't recall what the ratings were from 2006 to 2007.

Q. Between 2007 and 2008, did the ratings improve, stay the same, or decrease?

A. In a four-book average, to my knowledge, the ratings decreased.

Q. Are there any documents that were created by WPIX that show year-over-year ratings for the News Division? That's a yes or no.

A. That's just -- are there any documents?

Q. Created by WPIX that show year-over-year ratings for the News Division?

A. Well, they're done on a yearly basis.

Q. So the answer is yes?

A. There should be.

Q. What were the titles or names of those documents, or was there one?

A. As part of the Operating Plan process, numbers were produced.

Q. That would be within the Operating

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1 Betty Ellen Berlamino  
 2 Plan?  
 3 A. That's correct.  
 4 Q. Who generated the information with  
 5 respect to year-over-year ratings that went into  
 6 the Operating Plan, which employee?  
 7 A. Steve Schussel.  
 8 Q. Ms. Berlamino, did Karen Scott's age  
 9 play any factor in your decision to terminate  
 10 her?  
 11 A. No.  
 12 MR. CERASIA: Objection to form.  
 13 Q. What was the reaction of the WPIX  
 14 staff when they found out that you terminated  
 15 Ms. Scott?  
 16 A. That's a little vague. There's over  
 17 200 employees.  
 18 Q. Were people, in general, happy, sad,  
 19 upset?  
 20 A. Once again, there were different  
 21 reactions from different people. There were  
 22 over 200 employees at the Station.  
 23 Q. Why don't you tell me about the  
 24 reactions that you know of?  
 25 A. Some people were not shocked.

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1 Betty Ellen Berlamino  
 2 Q. Tell me what you said to Karen  
 3 during that meeting.  
 4 A. As I said to you, there was a script  
 5 that I was given.  
 6 Q. Did you read from the script?  
 7 A. I was told to read from the script.  
 8 Q. Do you recall -- obviously, I don't  
 9 have the script -- but do you recall what the  
 10 script said?  
 11 A. It was brief, I didn't agree with  
 12 the script, I didn't want to read the script. I  
 13 was told I had to.  
 14 Q. Who gave you the script?  
 15 A. Myrna Ramirez.  
 16 MR. CERASIA: It was produced.  
 17 MR. RUBINSTEIN: Do you know when?  
 18 MR. CERASIA: No, but I looked at  
 19 it with a Bates number in preparing for  
 20 Ms. Scott's deposition.  
 21 MR. RUBINSTEIN: Okay. I don't  
 22 know I've seen it, but maybe you can identify it  
 23 for me at some point.  
 24 Q. Do you recall what you said,  
 25 obviously, without seeing the script, do you

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1 Betty Ellen Berlamino  
 2 recall in substance what you said?  
 3 A. Like I said, the script exists. It  
 4 was not something -- like I said, I didn't agree  
 5 with preparing a script.  
 6 I was allowed to make a couple of  
 7 notes on the side, but once again, I was reminded  
 8 to read from the script. I didn't agree with it,  
 9 so I don't have the best recollection of what was  
 10 put in there.  
 11 Q. Was there any reason that you gave  
 12 to Ms. Scott during that meeting as to why she  
 13 was being terminated?  
 14 A. It was in the script.  
 15 Q. But you don't recall as you sit here  
 16 today?  
 17 A. To the best of my knowledge, the  
 18 script talked about ratings declines -- I would  
 19 have to go back and look at it. I read from the  
 20 script as instructed.  
 21 Q. After you read from the script did  
 22 you stay in the room or did you leave?  
 23 A. I was told that I was to read from  
 24 the script and I was to exit the room.  
 25 Q. Did Karen say anything to you after

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1 Betty Ellen Berlamino  
 2 but they said they would do it.  
 3 And I called Karen before I put out  
 4 the notice that she was leaving. I wrote it, I  
 5 called her up, I left a message. She didn't pick  
 6 up the phone. So I went down to her office. I  
 7 had sent her via e-mail what I was looking to  
 8 read, and she said, you know, she didn't resign.  
 9 She was fired. I said I understood that, I knew  
 10 that. I thought it would be better if we  
 11 positioned it this way.  
 12 She said, Well, it's not accurate.  
 13 I said, I understand. I said, Is it okay if we  
 14 position it this way? She said, Fine. Just do  
 15 whatever.  
 16 Then I called her up when I got  
 17 back to the office. I said, Are you ready,  
 18 because I'm going to press "send" and put it out?  
 19 Which I did.  
 20 I did authorize a party for Karen,  
 21 which I stopped by the party, and I think the  
 22 thing I said to her was, There is life at  
 23 Tribune. She said, I hope so.  
 24 (Berlamino Exhibit 17, marked for  
 25 identification.)

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1 Betty Ellen Berlamino  
 2 of her separation were still being discussed.  
 3 Q. When did you begin to seek a  
 4 replacement for Ms. Scott?  
 5 MR. CERASIA: Objection to form.  
 6 A. After she left.  
 7 Q. At any point before August 26, 2009,  
 8 were you involved in a search for a News  
 9 Director to replace Karen?  
 10 A. No, I was not.  
 11 Q. When did you first meet Bill Carey?  
 12 A. I don't recall the date.  
 13 Q. I believe you said he started in  
 14 late November.  
 15 Approximately how long before he was  
 16 hired did you meet him?  
 17 A. To the best of my knowledge, it was  
 18 in October.  
 19 Q. How were you informed that Mr. Carey  
 20 was coming in to interview for the position as  
 21 News Director?  
 22 A. I was told that I needed to speak to  
 23 him and to interview him.  
 24 (Berlamino Exhibit 18, marked for  
 25 identification.)

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1 Betty Ellen Berlamino  
 2 dates, because we can always find out from  
 3 documents, but to the best of your recollection,  
 4 if you can give me answers, great. If you can't,  
 5 say, I don't recall.  
 6 Do you know when Larry Hoff left the  
 7 employment of WPIX?  
 8 A. The actual date?  
 9 Q. Month or year. Doesn't have to be  
 10 the exact date if you don't know.  
 11 A. To the best of my knowledge, it was  
 12 it was December 2009.  
 13 Q. What was the reason why Mr. Hoff  
 14 left WPIX?  
 15 A. His position was eliminated.  
 16 Q. What position did he hold?  
 17 A. He was a -- he was a feature  
 18 reporter that Karen used to call the daredevil  
 19 reporter.  
 20 Q. Was he let go because of a job  
 21 elimination?  
 22 A. Yes. And a reallocation of  
 23 resources.  
 24 Q. Were you in favor of letting  
 25 Mr. Hoff go?

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1 Betty Ellen Berlamino  
 2 A. Well, Karen and I had had  
 3 discussions about --  
 4 Q. I'm going to let you explain  
 5 whatever you want to explain, I want a yes or  
 6 no to the question first.  
 7 Were you in favor of letting  
 8 Mr. Hoff go in December of 2009?  
 9 A. As a reallocation of resources and  
 10 the fact that he said he didn't want to do  
 11 Sports, yes.  
 12 Q. You offered him another position --  
 13 A. Karen and I had a discussion. I  
 14 asked Karen -- we had discussions with Steve  
 15 Charlier that the resources that were being put  
 16 against Larry Hoff with a full-time producer  
 17 and a satellite truck and a crew every day, just  
 18 simply was too much for the Return on  
 19 Investment, and we were being told to make the  
 20 News in the morning more serious, and to get  
 21 more -- to change the content of the morning  
 22 News to get more real News, for lack of a better  
 23 word.  
 24 The conversation I had with Karen  
 25 was, Is there anything else we can have Larry

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1 Betty Ellen Berlamino  
 2 do? She said, Well he used to do Sports.  
 3 I said, Oh, he used to do Sports?  
 4 Would he want to do that again?  
 5 She said, I don't know. Let me find  
 6 out. She called me the next day and said, No,  
 7 forget it, he can't do Sports. He does what he  
 8 does. Let's just end his contract and put the  
 9 money to the bottom line.  
 10 Q. Did you ever make any comments about  
 11 Mr. Hoff's age to Karen?  
 12 A. No, I did not.  
 13 Q. Did you ever make any comments about  
 14 Mr. Hoff's age to any employees at WPIX?  
 15 A. No, I did not.  
 16 Q. Do you recall when Sal Marchiano  
 17 left the employment of WPIX?  
 18 A. I don't recall the exact date.  
 19 Q. Do you know why Mr. Marchiano left  
 20 the employment of WPIX?  
 21 A. Because we didn't renew his  
 22 contract.  
 23 Q. What was the reason why you didn't  
 24 renew his contract?  
 25 A. Sal was on a series of short

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contract extensions because we had issues with his performance, and he was on a series of three-to-six-month contract extensions. And then when his contract ended there was several contributing factors, one of them being his performance for a live Mets pregame show at Shea Stadium that was very bad. A Jets pregame show that we did that was very, very bad.

And instead of just going with more short-term contract extensions for his last contract, when it was over, we made the decision not to renew.

Q. Who made the decision?

A. I had discussions with Karen regarding that decision.

Q. Who made the decision?

MR. CERASIA: Objection to form.

A. We made that decision together.

Q. Did you ever make any comments about Mr. Marchiano's age to Karen?

A. No, I did not.

Q. Did you ever tell Karen that Mr. Marchiano did not look good on the air?

A. I said, He looks unprepared. I

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said, He looks unprofessional. I said, He doesn't look like he gives a crap about his job, and he looks like he's phoning it in.

Q. Did you ever make any comments about Mr. Marchiano's age to any other employees at WPIX?

A. No, I did not.

Q. Is Marvin Scott still employed by WPIX?

A. Yes.

Q. What position does he hold?

A. He's a reporter.

Q. I'm sorry, I know you're not there anymore.

While you were there what position did Mr. Scott hold at WPIX in 2009?

A. Reporter. He also does News Close-Up, the public affairs show on Sunday mornings.

Q. In 2009, were there any changes made to Mr. Scott's duties and responsibilities?

MR. CERASIA: Objection to form. You can answer.

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A. He was put -- he had previously been on a Monday-through-Friday schedule, and his new work schedule included some weekend -- included weekends.

Q. Why was that change made?

A. Because we needed to get the numbers up on the weekend. The dollars that we were going into the weekend News were extremely low. The ratings for the News on the weekend were extremely low.

We were continually using free-lancers and non-WPIX personnel on the weekends, and we needed somebody to adjust their schedule to the weekends. And I had conversations with Karen through the years about getting people on the weekends, and there was always a reason that she didn't want to adjust some people's schedules, whether because they had children and didn't want to work on the weekends, or whatnot.

But we needed to adjust someone's schedule to include weekend News.

Q. Was the shift for Mr. Scott from weekday to weekend reporting a demotion?

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A. No. It's not weekend reporting. He was still reporting during the week. It was three days during the week and as well as on the weekend.

Q. So instead of five weekdays, it was three weekdays and two weekend days?

A. Yes. And that schedule, to my best recollection, was adjusted to four weekdays and one weekend.

Q. Was the shift in his schedule considered a demotion?

A. No.

Q. Did he ever express to you that he believed it was considered a demotion?

A. No, but Karen did.

Q. My question is Mr. Scott, did you have any conversation with Mr. Scott -- did you have any conversation with Mr. Scott about if he felt the shift in his duties was a demotion?

A. Not to my best recollection.

Q. Did you ever tell Karen that Mr. Scott should retire?

MR. CERASIA: Objection to form.

A. No, I didn't say those words.

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Q. Did you ever say words to the effect that Mr. Scott should retire?

MR. CERASIA: Objection to form.

You can answer.

A. Should retire? No.

Q. Did you ever say to Karen, in words or in substance, Why doesn't Mr. Scott retire already?

MR. CERASIA: Objection to form.

You can answer.

A. That is part of a longer conversation that I had with Karen.

Q. So please tell me the full conversation in which those words were expressed.

A. Okay. We were renewing Marvin Scott's contract -- Marvin Scott's contract was coming up for renewal. The previous time that we had renewed Marvin Scott's contract, and I don't have any recollection whether it was a two-year or three-year renewal, Karen had said, This is the time, this is probably going to be the last contract renewal we have for Marvin, that contract went on, whatever.

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A. Because when you go on Twitter and you actually look, they have suggestions for you as to who to follow, and often I follow those people if they come up on suggestions. No other reason.

Q. Were you involved in any employment decisions involving Mary Murphy in 2009?

A. Yes.

Q. What, if any, changes were made to Ms. Murphy's job status in 2009?

A. She went from being a weekend anchor to an investigative reporter.

Q. Was that move considered a demotion?

A. Karen considered it a demotion.

Q. Did you consider it a demotion?

A. It was a change -- it was a change of direction.

Q. Do you know if Ms. Murphy considered it a demotion?

A. I would speculate -- I would have to speculate to answer that question.

Q. Did you ever have any discussions with Ms. Murphy about whether she considered that move a demotion?

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A. No.

Q. Why was she moved from an anchor slot to an investigative reporter?

A. We were looking to improve the weekend News numbers. They were -- they were very bad. They were actually worse than the Monday through Friday numbers. News is sold as a full seven-day rotation, it's sold as Monday through Sunday, 10 to 11 p.m.

Advertisers that were falling into the weekend News were complaining that their spots weren't delivering. It was causing us to have to give no-charge spots to advertisers if and when they fell on the weekend News.

Sales was beginning to try and exclude the weekend News from a sales rotation, and we had to do something to try and fix the weekend News and get the ratings up.

Karen and I discussed moving Mary from an anchor to a full-time investigative reporter.

Q. Did you ever tell Ms. Scott that Ms. Murphy looked old and frumpy?

A. I do not recall that conversation

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at all.

Q. Did you ever make any age-related comments about Ms. Murphy to Ms. Scott?

A. Absolutely not.

Q. Did you ever make any age-related comments about Ms. Murphy to any other employees at WPIX?

A. No.

Q. Do you know what Janet Maslow's position was at the Station?

A. She did the accounting. She was the Accounting Manager for News.

Q. Do you know when her employment ended?

A. I don't recall the date.

Q. Why did her employment with WPIX end?

A. Corporate came in, did an assessment of all the Tribune stations and the News Departments, and said that no other Tribune station had this position, and we needed to eliminate the position and move the duties into the Accounting Department.

Q. Was anyone hired to replace

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Ms. Maslow?

A. No.

Q. Who made the decision to terminate

Ms. Maslow?

A. Steve Charlier had instructed us, once again, that that position did not exist at any other Tribune station, and it needed to be eliminated.

Q. Did he do this to you in a phone call or an e-mail?

A. To the best of my knowledge, it was in person.

Q. Did you ever have any role in deciding to terminate Ms. Maslow?

A. No.

Q. What did Betty Winchester do at WPIX?

A. She worked in Accounts Receivable.

Q. Do you know when her employment ended?

A. I do not recall.

Q. Do you know why her employment ended?

A. That position was eliminated.

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not think that Kaity was going to be someone that would recruit to viewers. And they also questioned whether Jim would be able to do that. And they had stated that the two had been anchors for a while, and people were not watching them.

We had to make radical changes in the News Department and differentiate ourselves, and they didn't believe that she would be able to do that and be a part of it.

So I argued that that was based on nothing. That's when they said, Well, what if we do a new survey, and as I stated before, they said, Do you agree to abide by the findings of the new survey?

They did the new survey. The research didn't produce great results for Kaity. I stated I didn't believe the research, I thought it was bogus research. They said -- they reminded me I agreed to abide by the findings of the research, and based on the research they were going to let her go.

At that point, as I stated previously, I got Myrna involved in the process.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
10-CIV-4622 (WHP)

KAREN SCOTT,

Plaintiff,

-against-

WPIX, INC.,

Defendant.

30 Rockefeller Plaza  
New York, New York

May 5, 2011  
10:40 a.m.

CONTINUED VIDEOTAPED DEPOSITION of  
BETTY ELLEN BERLAMINO, held at the above  
time and place, taken before Dawn Matera,  
a Notary Public of the State of New York.

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to reflect when this meeting actually took place?

A. Well, what I saw was that on December 1st, after the November book was over, and after WPIX finished in third place at 10 p.m., and was beaten by WWOR, that I had sent two e-mails to Karen Scott, recapping the November book, the demos for the November book, for both the morning news and for both the evening news.

Looking at this, this e-mail again -- well, actually, it's not an e-mail. Looking at this synopsis of a meeting that took place, and looking -- reminding that it says that we are expected to be the number 2 news at 10:00, not the number 3 news at 10:00, leads me to believe that this meeting actually took place on December 2nd and not November 2nd.

Q. Do you have any documents, have you seen any documents to reflect that there was a meeting on December 2nd?

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A. Do I have any documents? No.

Q. Have you seen any documents to reflect that a meeting took place with Ms. Scott on December 2nd?

A. No documents, no.

Q. Have you seen any e-mails or anything to reflect that a meeting happened with Ms. Scott on December 2nd?

A. No. This is just a recap. If you look at the third line there, this is a recap of the November sweep. The November sweep, of course, is the most important sweep in television.

So this was the first time in my memory that we finished number 3 at 10:00. So it was a meeting that took place after the November sweep, and after my two e-mails on the previous day of December 1st.

Q. I understand that.

My question was: Have you seen any documents, e-mails, notes, anything to reflect that a meeting happened between you and Ms. Scott on December

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next few minutes?

MR. RUBINSTEIN: He needs to change the tape in five minutes, anyway. We are not that far from the finish line.

THE VIDEOGRAPHER: The time is 11:33. This ends tape number 1. We are off the record.

(Off the record.)

THE VIDEOGRAPHER: The time is 11:40. This is the start of tape number 2. We are on the record.

[The document, Bates stamped WPIX 4720 through 4722, was hereby marked as Berlamino Exhibit 34 for identification, as of this date.]

BY MR. RUBINSTEIN:

Q. Ms. Berlamino, to your right is Exhibit 34 for identification. It's a three-page document with the Bates numbers WPIX 4720 through 4722.

The first page is an e-mail from Ms. Ramirez to you. The subject matter is First crack at a script for

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Karen, and the date is August 24, 2009.

And the message that

Ms. Ramirez wrote to you is "Attached is a suggested script for Karen, a separation agreement, as well. I will send that later. Let's chat when you can. I am in Chicago."

And the back two pages appear to be a script. And the third page is a script with handwriting on it.

And my first question is: On the last page, is that your handwriting, as best as you can tell?

A. Yes.

Q. And is this the script that you talked about in your earlier deposition that you used in the meeting with Karen regarding her termination?

A. Yes.

Q. And I am sorry to be bothersome about this, but it's hard for me to read, based on the copy that we received, what your handwritten comments are on the left side. If you can just read that into the

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daily Dr. Steve medical report in March."

Fourth one says "Did not handle the situation."

I can't read the next four. I can read where it says "Amy, after people" and I can read "And felt it necessary to go to a higher level."

And then it says above the word "It," "No resolution."

Q. To the best of your recollection, is this a script that you used during your meeting with Karen on August 26th?

A. Yes.

Q. Including the handwritten comments on the left?

A. I was asked to cite some examples. And those were things that I wrote in the left-hand column.

Q. And were those the things that you told Karen in the meeting on August 26th?

A. Yes.

[The document, Bates stamped

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